

## **Minutes of the Special and Regular Meeting December 9, 2003**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

### **SPECIAL MEETINGS:**

#### **CLOSED SESSION, 7:00 P.M.**

A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b):

Anticipated Litigation, Two Cases

Attended by Councilmembers Feierbach, Warden, Bauer, Mathewson, Metropulos, City Manager Kersnar, City Attorney Savaree, Deputy City Attorney Rubens, Assistant City Manager Rich, Finance Director Fil, Community Development Director Ewing, Public Works Director Davis. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:20 P.M., this Closed Session was adjourned.

This meeting not tape recorded or videotaped.

Terri Cook

City Clerk

### **REGULAR MEETING**

#### **CALL TO ORDER 7:30 P.M.**

Councilmembers Present: Feierbach, Mathewson, Warden, Bauer, Metropulos

Councilmembers Absent: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Deputy City Attorney Rubens, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

#### **PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

#### **ANNOUNCEMENT OF CLOSED SESSION ITEM**

Mayor Metropulos announced that direction was given, but no action taken, during the Closed Session held earlier.

### **SPECIAL PRESENTATIONS**

#### **Proclamation Congratulating Carlmont High School Varsity Boys' Cross-Country Team Central Coast Section II Champions.**

Mayor Metropulos presented a proclamation to the coach and members of Carlmont High School Varsity Boys' Cross-Country Team with honoring their victory as division champions. He announced that after winning the division championship, the team had placed second at the State level.

#### **Police Department Commendation to citizens involved in the capture of a purse-snatching suspect.**

Acting Chief Mattei and members of the Police Department presented commendations to Anthony Alcazar, Christopher Baum & Nadim Batshon, three citizens who helped capture a suspect in a purse-snatching incident.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Laura Fanucchi**, on behalf of Housing Improvement Program (HIP), distributed copies of HIP's 2004 calendar. She stated that the artwork for the calendar was chosen from hundreds submitted by students from around the County, and noted that three of the entries were from the Belmont-Redwood Shores School District.

Mayor Metropulos stated that he participated as a judge, and that it was difficult to choose from among the many entries.

**Debbie Norton**, Robin Whipple Way, stated that she was happy to see the tree ordinance being strengthened. She also stated that the library project was moving along, and that the new library would be an improvement. She also commented regarding the missing letters on the signage at the corner of Ralston Avenue and El Camino.

Public Works Director Davis stated that the fabrication of the letters had just been completed and were ready to be installed. He noted that there was a delay in replacing the letters due to the need to find a new fabricator, and that the cost of fabrication was \$750 per letter.

Councilmember Feierbach suggested that if additional letters were vandalized or taken from the wall, that all the letters be removed.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Bauer commended the Chamber of Commerce for the successful holiday event held recently. He also congratulated his daughter's AYSO team for making it to the finals.

Councilmember Mathewson thanked Judy King for making him a badge declaring him "Alternate Phil", since he recently agreed to be an alternate for many of the Council's Intergovernmental assignments.

Mayor Metropulos made the following announcements: 1) Invited the community to a meeting regarding the new Belmont Library on December 11<sup>th</sup>; 2) December 19 was the deadline Planning Commission applications; 3) City Hall Administrative offices would be closed for a holiday furlough between December 25 and January 4; and 4) Six months of lost Vehicle License Fee (VLF) revenues for the City of Belmont would equal \$540,000, and urged the legislators to solve the lost revenue with State resources.

## **AGENDA AMENDMENTS**

Mayor Metropulos announced that Item 5-A, Public Hearing on the Appeal of the Planning Commission decision to Deny a Conditional Use Permit, Grading Plan, and Single Family Design Review at 2884 Wakefield Drive would be continued to a date uncertain.

## **CONSENT CALENDAR**

Mayor Metropulos announced that at the request of a member of the public, Item 4-D, a Resolution Granting Comcast of California IX, Inc., a Franchise Extension to June 30, 2004 would be removed from the Consent Calendar for separate consideration.

## **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** meeting minutes: Special and Regular Meeting of November 12, 2003.

**Motion to** waive reading of Ordinances.

**Approval of** Ordinance 994 amending Chapter 22, Article I, Sections 22-1 through 22-40 of the Belmont Municipal Code, Encroachments (2<sup>nd</sup> reading and adoption).

**Approval of** Resolution 9490 Accepting a Mini-Grant from the Office of Traffic Safety for the Sobriety Checkpoint Program For Local Law Enforcement Agencies for an amount not to exceed \$9,018.

**Approval of** Resolution 9491 Authorizing the Filing of an Application for a Request to Extend the Bicycle Transportation Account Funds (BTA) with the California Department of Transportation (CALTRANS) for the US 101 Bicycle/Pedestrian Bridge Project, City Contract No. 433, in the Amount of \$585,000.

**Approval of** Resolution 9492 Supporting C/CAG Efforts to Encourage the Metropolitan Transportation Commission to Enhance Regional Funding for Maintenance of Local Streets and Roads.

**Approval of** Resolution 9493 approving Permanent Encroachment Agreement for Construction of Retaining Wall within the Public Right-of-Way at 2426 Coronet Boulevard.

#### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

#### **Resolution Granting Comcast of California IX, Inc., a Franchise Extension to June 30, 2004.**

Deputy City Attorney Rubens stated that negotiations had just begun for a new franchise agreement between Comcast and seven cities and the County of San Mateo. He noted that the consulting attorney had just completed its assessment, and that it was submitted to Comcast on November 19. He stated that there was a need for an additional extension in order to provide the opportunity for Comcast to respond. He noted that the length of extensions being granted by each city ranged from 90 days and to six months.

In response to Councilmember Mathewson, Deputy City Attorney Rubens clarified that cable service and the City's receipt of franchise fees would be affected if the extension were not granted.

**George Kranen**, Notre Dame Avenue, stated that Comcast was the antithesis of a good corporate citizen. He recommended the Council reject the franchise with Comcast in its entirety, or follow San Carlos's lead and grant only a three-month extension. He commented that the agreement had already been extended once, and assumed that negotiations during that time were not successful. He stated that Comcast is deliberately trying to eliminate PEN-TV, and is deliberately violating the agreement.

Council discussion ensued, and there was consensus that a reduction to a 90-day extension could send a message to Comcast to get the negotiating process completed.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, to adopt Resolution 9494 Granting Comcast of California IX, Inc., a Franchise Extension to March 31, 2004 was unanimously approved by a show of hands.

## **PUBLIC HEARINGS**

**Public Hearing to consider an appeal filed on July 11, 2003, by Mr. Marvin Bergloff, regarding Planning Commission Action taken on July 1, 2003, denying a Tentative Parcel Map, Conditional Use Permit, Grading Plan, and Single Family Design Review to create two parcels from a 17,712 square foot site and construct a new two-story 2,660 square foot single family home on the new lot located at 2884 Wakefield Drive.**

Mayor Metropulos opened the Public Hearing.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Bauer, by a show of hands this Public Hearing was unanimously continued to a date uncertain.

**Public Hearing to consider revisions to Section 5.2 (C-1 – Neighborhood Commercial District) and Section 5.4 (C-3 – Highway Commercial District) of the City of Belmont Zoning Code. The amendment will consider adding a "cabaret" use to the list of conditionally permitted uses in the C-1 & C-2 Commercial Zoning Districts.**

Principal Planner de Melo stated that the Planning Commission unanimously recommended approval of this amendment to the zoning code that would add "cabaret" to the list of conditional uses permitted in C-1 and C-2 commercial zoning districts. He also stated that the Commission also found in favor of the finding that the amendment is required to achieve the goals and objectives of the Zoning and General Plans. He reported that at the Commission hearing, three members of the public spoke in favor of the proposed amendment.

In response to Council questions, Community Development Director Ewing stated that time limits could be placed on individual use permit applications. City Attorney Savaree clarified that conditional use permits (CUP's) run with

the land, and specific conditions of operation should be called out to each applicant. Community Development Director Ewing stated that approved CUP's would have a mechanism for staff to be able to respond to complaints.

In response to Councilmember Mathewson, Principal Planner de Melo clarified that the finding of a negative impact on noise relates only to the amendment to the ordinance. He stated that noise thresholds for individual permit applications would be evaluated on a case-by-case basis.

Mayor Metropulos opened the Public Hearing. No one came forward to speak.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

Councilmember Feierbach stated she was in favor of the amendment, but wanted to protect neighbors. City Attorney Savaree responded that these concerns could be addressed during the CUP application process.

Councilmember Warden thanked staff for expediting this matter.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, by a show of hands an ordinance amending Section 5.2 (C-1 – Neighborhood Commercial District) and Section 5.4 (C-3 – Highway Commercial District) of the City of Belmont Zoning Code, to include cabaret uses, was introduced, further reading waived, and second reading and adoption set for January 13, 2004.

**Public Hearing to Consider Reissuance of the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit and Accepting and Adopting the San Mateo Countywide Stormwater Management Plan for 2004-2009.**

Public Works Director Davis stated that the current Permit and Plan expires in June of 2004, and that there is no fiscal impact to the new Plan. He clarified that this item will come to Council as part of the Budget process in June.

In response to Councilmember Feierbach, Public Works Director Davis stated that between five and ten percent of Public Works' staff time is expended on NPDES issues, which includes street sweeping and drain cleaning. He clarified that there have been discussions about proposed changes in requirements for private property storm runoff, but that those changes have not been defined.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Public Hearing was unanimously closed by a show of hands.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, Resolution 9495 for Reissuance of the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit and Accepting and Adopting the San Mateo Countywide Stormwater Management Plan for 2004-2009 was unanimously approved by a show of hands.

## **OLD BUSINESS**

### **Update on the Belmont Library Project.**

Finance Director Fil stated that in July of 2003, the City Council directed two designs of the new library, at 18,000 and 21,000 square feet, respectively. He clarified that the building and adjacent park site would be developed as one project. He stated that a number of public meetings had been held to seek input, and that ideas from those meetings have been incorporated into the proposed design. He noted that additional meetings would be held.

**Danielle Sergent**, of Field Paoli Architects, reviewed the library site, and described the challenges in designing a new library and park on the existing site. She stated that many of the existing mature trees would be preserved, and that the plan included 52 parking places, which meets City Code requirements. She reviewed the site plan and interior design features of the new library building. She stated that the building would be pushed into the hillside in order to mitigate the existing slope and reduce the need for excessive grading.

Councilmember Mathewson stated that the building fit the site well, and he was looking forward to the new library.

Councilmember Warden stated that initially he did not like the building, but that he now likes it, and added that it was functional and classy.

Councilmember Feierbach stated that she liked the use of glass and angles.

Mayor Metropulos stated he has also grown to like the new building.

Finance Director Fil described the next steps in the building design, including Planning Commission and Parks and Recreation Commission approvals, the detailed design phase, and the development of bid specification documents.

He clarified that the project should be ready to go to bid by the fall of 2004, and that the new library should be completed in the Spring of 2006.

Finance Director Fil also reviewed the various funding sources for the library, including voter-approved Measure C bond proceeds, a grant from the Library Joint Powers Authority for furniture and fixtures, Park Development Funds, as well as private donations.

In response to questions and comments from Councilmembers, Finance Director Fil stated that some savings have been realized in the bonding process, but that private monies would still be needed for the larger library. He commented that individuals wishing to make contributions could do so by contacting the Friends of the Belmont Library.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Warden, the preliminary library design, as presented, was unanimously adopted by a show of hands.

**Resolution of the City Council of the City of Belmont, Acting as the legislative body of Community Facilities District No. 2000-1 of the City of Belmont, Stating its Intention to issue bonds and Authorizing the Issuance of its Special Tax Bonds (library project), Series 2004a, in an aggregate principal amount not to exceed \$8,650,000 and Approving certain documents and taking certain other actions in connection therewith**

Finance Director Fil stated that this item was the final action in the issuance of \$8.6 million bonds for funding a new library. He reviewed the bond sale process. He clarified that taxpayers had an option for early payoff, which would result in savings of approximately half the cost if paid over thirty years. In response to Council questions, he clarified that a lower interest rate is allowing a higher net yield for the same bonding and administrative costs. He also clarified that no additional State library grant monies would be pursued since it was unlikely this project would qualify.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Bauer, and approved unanimously by a show of hands, to adopt:

**Resolution 9496, Acting as the legislative body of Community Facilities District No. 2000-1 of the City of Belmont, Stating its Intention to issue bonds and Authorizing the Issuance of its Special Tax Bonds (library project), Series 2004a, in an aggregate principal**



**amount not to exceed \$8,650,000 and Approving certain documents and taking certain other actions in connection therewith**

**Discussion and direction regarding status of Planning Commissioner Alicia Torre.**

Assistant City Manager Rich stated that Commissioner Torre's Belmont home had not yet sold, but that she had moved to San Carlos.

Councilmember Mathewson thanked Commissioner Torre for continuing to serve as a Planning Commission during her transition to her new home. He stated that current Belmont ordinance required Commissioners to be both a resident and an elector in the City of Belmont, and that after reviewing the State's definition of domicile, it appeared Ms. Torre was no longer eligible to serve. He recommended accepting Ms. Torre's resignation at this time. He also suggested that in the future the City should incorporate the State's definition of domicile in the City's ordinance outlining qualifications for City commissions.

Council concurred to accept the resignation of Planning Commissioner Alicia Torre.

**BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

**Review and revision of Council Protocols.**

Assistant City Manager Rich reported that Council Protocols, a document which guided how Council performs its duties, had been adopted in 1999, with minor revisions in 2001 and 2002. He stated that the proposed revisions reflected changes in Council practices and procedures, and clarified that in addition to the changes proposed by staff, a number of issues still needed to be addressed by Council.

Assistant City Manager Rich recommended that Council should also determine whether or not to incorporate the Operating Principles into the Protocols. He clarified that these Principles were developed as part of a Council team building session in the Spring of 2003.

Council spent considerable time reviewing the Protocols. In addition to the changes proposed by staff, concurrence was reached on the following issues:

- Videotape recordings of Council meetings would be maintained for five years, to be consistent with the five-year maintenance of audiotapes.

- New issues presented under Item 9 on the Council Agenda could be considered outside the Priority Calendar process, if requiring staff time of up to 20 hours.
- Standard adjournment time for meetings would remain at 10:30 p.m., with extensions permitted by a majority vote of the Council, in half-hour increments.
- Individual Councilmember budget allocation would be \$1,000 per fiscal year, with a voluntary option of one Councilmember to donate unused allocations to another Councilmember, if desired.
- The amount for meal reimbursement would be raised annually by the percentage of Consumer Price Index (CPI).

### Mayor/Vice Mayor Selection

Councilmember Warden stated that he would prefer to have Council vote for these seats. He also stated that the City deserves the best representation, and that the Mayor and Vice Mayor are leadership roles. He added that these positions are not entitlements. He also stated that under the current system, the third-place winner would never be able to serve as Mayor. He commented that the Mayor should serve with the trust, confidence, and respect of the others on Council.

Councilmember Feierbach commented that she did not favor the recent change in the Mayor/Vice Mayor selection process to an automatic rotation. She stated that the selection should be a choice of the Council, should take into account flexibility of circumstances, and who could best do the job. She clarified that being the top vote-getter should have nothing to do with who is to be Mayor, that voters do not vote numbers. She added that the Mayor could serve more than one year.

Councilmember Mathewson stated the selection should be done by a yearly vote of Council.

Councilmember Bauer stated that the existing system was working fine, that there had been no issue or acrimony. He added that there should always be a divergent point of view.

**Meeting Extension**, at this time being 10:30 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Warden, the meeting was unanimously extended by one hour.

Mayor Metropulos stated that the Mayor's role is ceremonial, and is someone who primarily facilitates meetings. He added that the Mayor should be someone who can speak for the whole Council. He commented that he is uncomfortable with an automatic rotation, since he would want to know he had the support of his colleagues to be Mayor or Vice Mayor.

Council discussion continued. Councilmember Bauer commented that Councilmember Warden benefited from the current system. Councilmember Warden clarified that he became Mayor in 2001, and the current system was put in place in the spring of 2002.

Councilmember Warden called for the question.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, a change in the process for the selection of Mayor/Vice Mayor, to be made by an annual vote of the Council, was approved by a roll call vote of 4-1 (Bauer, no).

#### Belmont City Council Operating Principles

Councilmember Mathewson stated that he did not support inclusion of the Operating Principles into the Protocols, that behavior should not be legislated.

Councilmember Feierbach stated that the Operating Principles were not needed, and that they defined common sense.

Councilmember Warden and Mayor Metropulos both stated that the Principles were not appropriate material for the Protocols.

**Action:** Councilmember Bauer made a motion to incorporate the Belmont City Council Operating Principles with the Protocols. There was no second on this motion.

#### Update on Police Department/City Hall Project.

Assistant City Manager Rich briefly outlined the first monthly report of the City Hall Retrofit/Remodel project, and he reported that work had just begun on the 14-month project. He stated that future monthly reports would include any change orders.

**ADJOURNMENT**, at this time being 10:57 P.M., this meeting was adjourned in memory of Tim Volkert, a Carlmont High School student who recently died unexpectedly.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #568